

**REMARKS**

Claims 6-8 and 10-13 remain pending in the application. Claim 1-5, 9 and 14-18 are canceled.

Applicant has amended claim 6 to clarify and better set forth that which is regarded as the invention. As amended, claim 6 recites, *inter alia*, the formation of a fourth spacer covering the impurity region and the first spacer, and removing the fourth spacer at a later processing step.

Applicant respectfully submits that cited references do not disclose, teach or suggest forming a fourth spacer on a second side wall of the gate electrode, wherein the first spacer is overlapped with a portion of an impurity region; and removing the fourth spacer by a photo resist pattern covering the impurity region and the first spacer. As such, the reference cannot anticipate or render unpatentable claim 6.

Accordingly, Applicant submits that the pending claims and the application as a whole are in a condition for allowance, and such action is requested at the examiner's earliest convenience.

The examiner is invited to contact the applicant's undersigned attorney with any questions regarding this response or the application as a whole.

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Respectfully submitted,

By 

Anthony G. Sitko

Registration No.: 36,278

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant